



Hon. Rosalyn M. Chapman (Ret.)  
JAMS  
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Special Master

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

XOCHITL HERNANDEZ, CESAR  
MATIAS, for themselves and on behalf  
of a class of similarly situated individuals,

Plaintiffs-Petitioners,

v.

JEFFERSON B. SESSIONS III,  
U.S. Attorney General, et al.,

Defendants-Respondents.

Case No: EDCV 16-00620 JGB (KKx)  
(JAMS Ref. No: 1220059390)

**SECOND DISCOVERY ORDER RE DEFENDANTS'  
COMPLIANCE WITH DOCKET NO. 129**

A discovery status conference was held telephonically before Special Master Hon. Rosalyn Chapman (Ret.) on August 16, 2018, pursuant to written notice from the Special Master. Michael Kaufman, Staff Attorney with the ACLU Foundation of Southern California, and Douglas A. Smith, an attorney with Skadden Arps Slate Meagher & Flom LLP, appeared on

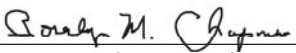
1 behalf of Plaintiffs and Katherine J. Shinnars and Brian Ward, counsel with the Office of  
2 Immigration Litigation (OIL), Department of Justice (DOJ), appeared on behalf of Defendants.

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5 The Special Master and counsel for the parties discussed the parties' Amended Joint  
6 Report (Dkt. No. 199), the Declaration of Jean King filed on July 20, 2018 ("King Decl.") (Dkt.  
7 No. 200-1), the Declaration of Matthew T. Albence (Dkt. No. 202-1) ("Albence Decl."), the  
8 Declaration of Nathalie R. Asher ("Asher Decl.") (Dkt. No. 202-2), the Declaration of Clayton  
9 M. McLean (Dkt. No. 206-1), and the Supplemental Declaration of Jean King filed on August  
10 16, 2018 ("Supp. King Decl.") (Dkt. No. 207-1). The Special Master continues to be concerned  
11 that Defendants are not acting promptly and fully in complying with Judge Kato's Order (Dkt.  
12 No. 129), and she is willing to consider the parties' suggestions on improving the document  
13 search protocols to increase the speed and completeness of Defendants' production of responsive  
14 documents.  
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18 Accordingly, the Special Master **HEREBY ORDERS** counsel for the parties to meet and  
19 confer and to file, no later than August 30, 2018, a Joint Report addressing any agreements, as  
20 well as disputes, regarding (1) whether Defendants may delay or eliminate searching the ESI  
21 records of certain custodians or, alternatively, place temporal limitations on the searches of  
22 certain custodians' records, as requested in King Decl. ¶¶ 58-59, Supp. King Decl. ¶¶ 9-33,  
23 Albence Decl. ¶ 39, and Asher Decl. ¶¶ 7-8, and (2) if certain custodians' records are not  
24 searched at this time, the use of sampling techniques to assure that their ESI records are in fact  
25 "duplicative" of records obtained from other individuals and either produced to Plaintiffs or  
26 placed on Defendants' privilege logs.  
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2       **IT IS FURTHER ORDERED** that at least 48 hours prior to the September 14, 2018  
3 discovery status conference, Defendants shall file a brief Report on: (1) the status of the  
4 production of documents to Plaintiffs from DHS's ERO Policy Mailbox and ERO Taskings  
5 Mailbox; and (2) the status of the production of documents to Plaintiffs from the Bond  
6 Management Information System. This Report should include supporting declarations, as  
7 necessary.  
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13 Date: August 16, 2018  
14 1220059390.4

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17 Hon. Rosalyn M. Chapman (Ret.),  
18 Special Master  
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